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SENATE

{ REPORT
No. 707

MATTHEW TERRY

AUGUST 27 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2165]

The Committee on the Judiciary, to which was referred the bill (H. R. 2165) for the relief of Matthew Terry, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the racial bar to admission into the United States in behalf of a minor half-Japanese child in the custody of Sgt. Jack R. Terry and his wife, who are citizens of the United States residing temporarily in Japan. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Fukuoka City, Japan, on July 2, 1948, of a Japanese mother and an American soldier. The child was placed in an orphanage and has been released in the care of Sgt. and Mrs. Jack R. Terry, who are citizens of the United States.

Congressman Clarence G. Burton, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and made the following statement:

Mr. Chairman, I wish to make this statement in support of H. R. 2165, for the relief of Matthew Terry.

Matthew Terry was born in Fukuoka City, Japan, on July 2, 1948. His mother was a Japanese national by the name of Eiko Shimada, and his father an American soldier on occupation duty. It is my understanding that the father never contrib-

uted toward the support of this child. The mother deserted this child and the Japanese municipal authorities turned him over to the Sisters of the Visitation Orphanage. In November 1949, Mr. Jack R. Terry, a sergeant in the United States Army, and his wife, visited the orphanage and on April 21, 1950, I received a most appealing letter from Sergeant Terry, which letter I would like to place in the record:

"This is written to request your assistance in bringing our American-Japanese adopted son into the United States. Let me tell you of the incidents preceding our parental desire for little "Mike." Last November, I visited the Sisters of the Visitation Orphanage and discovered the pitiful state of existence these babies and children endure. From the first my heart went out to the winsome ways of this little baby boy. With my wife's help, I managed to convince the nuns to let "Mike" come home with us for 2 weeks. During this time our love increased for him so that we realized we wanted him for our very own. It took some doing to convince the Catholic guardians responsible for him to relinquish all rights to his future, but it finally was accomplished on December 23, 1949. Mike was christened Matthew and he is now 20 months old. Please find enclosed snapshots of our child. Our "Mike" is very affectionate and a cheerful little fellow and has quickly adapted himself to American habits of living. To the best of our financial and physical abilities, we have tried to make Mike's life that of any normal and happy American boy. My wife and I will be in Japan until the middle of 1951. During this time, please work with us to fulfill our aims."

Mr. Chairman, you have on file in this committee a copy of a statement dated March 8, 1951, and signed by the natural mother of this little boy, relinquishing all rights to this child with the understanding that Mr. and Mrs. Jack R. Terry shall have full custody of him. This statement is witnessed by Mr. J. Owen Zurhellen, Jr., vice consul of the United States of America, Fukuoka, Japan.

I am placing on file in your committee letters substantiating the outstanding character of Sgt. and Mrs. Jack R. Terry and the excellent home and fine education that will be given this child if he is given the opportunity of coming to the United States with his foster parents. I am also placing in your file a true legal document which states that Sgt. and Mrs. Jack R. Terry are permitted to adopt minor Matthew Terry (Hirochika Ishizaka). This document is signed by Chojuro Kimura, judge of domestic affairs, Fukuoka Domestic Court, and the translation of this document from Japanese to English was made by Tetsuski Matsuo in the Office of the United States Political Adviser, and witnessed by Thomas W. Ainsworth, vice consul of the United States of America in and for Fukuoka, Japan.

Mr. Chairman and members of the committee, favorable action on H. R. 2165 can have no consequences which would be harmful to the welfare of our Nation, and will bring immeasurable happiness to the persons involved. I, therefore, urge that favorable consideration be given and that you report H. R. 2165 out of committee so that the House may consider it upon its merits.

In addition, Congressman Burton submitted the following documents in support of the bill:

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
FUKUOKA DIVISION,
DIPLOMATIC SECTION, GHQ, SCAP,
APO 1105.

Mrs. CAROLYN TERRY,
House 40 DA, Fukuoka, Japan.

MY DEAR MRS. TERRY: This is in reply to your request for information regarding the procedure which might be taken by you and your husband to adopt Matthew Terry, the child in your custody.

It appears that this child was first discovered as a foundling in Japan and turned over to an orphanage by the Japanese municipal authorities. Under these circumstances the child acquired Japanese nationality at birth under Japanese law, which provides that a foundling of unknown parentage discovered in Japan shall be considered a Japanese national. At a later time, the mother of the child made herself known to the orphanage and to you, and has now agreed to turn the child over to you and your husband to be taken to the United States and adopted according to American law. Due to the circumstances of the birth of the child, the fact that its mother is now known does not change the fact that it is considered to be a Japanese national under Japanese law.

Inasmuch as your husband is a member of the United States Army, and since you are present in Japan as a dependent of a member of the occupation forces,

under the rules of the occupation you and your husband are not subject to the jurisdiction of the Japanese Government, and it therefore appears that there would be no way open to you to bring proceedings in a Japanese court to effect the adoption of the child in your custody. I believe, however, from my experience in several similar cases, that the Japanese authorities would interpose no objection to your taking the child to the United States for the purpose of adoption under the laws of the State in which you reside, inasmuch as the mother of the child has formally consented to this being done.

If the private bill which you state has been introduced in the Congress to provide for the entry of this child into the United States should become law, I believe that the baptismal certificate issued by the orphanage, which is in your possession, will be sufficient to establish the birth of the child for the purpose of the immigration laws.

Sincerely yours,

J. OWEN ZURHELLEN, Jr.,
American Vice Consul.

ONE HUNDRED AND EIGHTEENTH STATION HOSPITAL,
APO 1105, Care of Postmaster, San Francisco, Calif., May 29, 1951.

To Whom It May Concern:

I have known Sgt. and Mrs. Jack R. Terry for more than a year and have observed them in their family life and in particular with their relationship to the child known as Matthew Terry. I know of their interest in this child and his welfare and of their desire to legally adopt him and take him with them to the United States. It is my belief that this young couple will make a good home for this child. I believe that they are capable of rearing the child as well as any home could raise any child. They have given evidence of the finest sincere, religious, and moral character.

LOREN H. WYANDT,
Chaplain (Major), Hospital Chaplain.

ONE HUNDRED EIGHTEENTH STATION HOSPITAL,
APO 1105, care of Postmaster, San Francisco, Calif., May 31, 1951.

Subject: Recommendation.

To Whom it May Concern:

I have known Sgt. Jack Terry for the past 30 months, and Mrs. Jack Terry for a period of 21 months; both are very respectful, kind, and friendly and very good character.

It is a pleasure for me to recommend both and consideration and attention highly regarded.

CHESTER E. SEELY,
Major, Dental Corps, Chief, Dental Service.

HEADQUARTERS, ONE HUNDRED AND EIGHTEENTH STATION HOSPITAL,
APO 1105, Care of Postmaster, San Francisco, Calif., May 31, 1951.

To Whom It May Concern:

I have known Mrs. Jack Terry since September of 1949 and, although she has never been under my supervision as an employee, I feel that I would be most happy to have her on duty if the occasion arose.

She was hospitalized at this installation last February for the birth of her son.

She and her husband are keenly interested in adopting a young boy that was born here in Japan and I feel they would give him an excellent home, a good education, and it would be a great advantage to this child to have the opportunity of going to the United States with his foster parents.

It seems a cruel fate that this child may have to be returned to an orphanage in the Orient where he would not have the loving care that the Terry's would bestow upon him if they are granted the right to adopt this little fellow.

EILEEN K. MURPHY,
Major, ANC, Chief Nurse.

BRANCH EXCHANGE 807,
ONE HUNDRED AND EIGHTEENTH STATION HOSPITAL,
APO 1105, Care of Postmaster, San Francisco, Calif., May 31, 1951.

To Whom It May Concern:

It has been my good fortune to have Sgt. J. R. Terry serve under me in the receiving and evacuation section, and can say because of daily personal contact that he is a conscientious and industrious man capable of doing splendid work.

I also have had Mrs. Terry in my employ when I assumed control of the post exchange. Even though it was a short time, I was greatly impressed by her knowledge of our work and her desire to do her best, which was excellent.

The undersigned has known these two as well as the child, Matthew Terry, they would like to adopt and take to the United States. He is an intelligent child and I am quite positive they would make an excellent home for the youngster.

Very truly yours,

DOY L. HANCOCK,
Lieutenant Colonel, Post Exchange Officer.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2165) should be enacted: